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EXAMINER	
SOREY, ROBERT A	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/790,626	LORENZ, SCOTT KEITH	
	Examiner	Art Unit	
	ROBERT SOREY	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-69* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-69* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *07/20/2007, 07/20/2007, 07/20/2007, 07/20/2007, 12/18/2007, 08/25/2008, 09/30/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. **Claims 6, 29, and 52** are objected to because the claims are not full sentence as they do not end with a period. The MPEP, in section 608.01(m), states: "Each claim begins with a capital letter and ends with a period. Periods may not be used elsewhere in the claims except for abbreviations. See Fressola v. Manbeck, 36 USPQ2d 1211 (D.D.C. 1995)." Appropriate action required.

2. **Claims 7, 30, and 53** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. For example, claim 7 teaches "sending information about the insurance claim in the database to the user system" and is dependent upon claim 5, which teaches the "database", and claim 1, which teaches "returning a result of the performed action to the user system". Claims 30 and 53 are rejected for similar reasons.

3. **Claims 8, 31, and 54** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. For example, claim 8 teaches "receiving information about an insurance claim to store in the database" and is dependent upon claim 5, which teaches the "database", and claim 1,

which teaches "receiving a message from the user system". Claims 31 and 54 are rejected for similar reasons.

4. **Claims 14, 15, 37, 38, 60, and 61** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Applicant presents "if" statements and the Examiner has considered the alternate situations in which nothing is performed by the claims. Because nothing is performed by the claims they fail to be further limiting.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. **Claim 1** is rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions. The Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular **machine**) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilsky, 88 U.S.P.Q.2d 1385 (Fed. Cir. 2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); and Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

7. An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the other statutory class (the thing or product)

to which it is tied. This can be done, for example, by identifying the apparatus that accomplishes the method steps, by positively reciting the subject matter that is being transformed, or by identifying the material that is being changed to a different state.

8. Applicant's method steps in claim 1 fail the first prong of the new Federal Circuit decision since they are not tied to another statutory class and can be preformed without the use of a particular apparatus. Furthermore, the method steps fail to transform underlying subject matter to a different state or thing. For example, claim 1 teaches receiving a message, assessing the received message, performing an action, and returning the result, but in no way is it clear as to how this is accomplished (such as, accomplished by a particular **machine**). Applicant mentions use of a user system but this is read simply as a data structure such as a computer program. It is recommended that Applicant simply add any structural language from the specification as necessary to complete a statutorily compliant method having Applicant's desired capabilities.

9. **Claims 47-69** are rejected under rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention recites a "carrier medium" and can be reasonably interpreted by one of ordinary skill in the art as a data or electronic signal, which does not belong to a statutory class since said "carrier medium" is not clearly a method, apparatus, article, or composition of matter. For the purposes of examination it is understood that the claimed invention recites an article of manufacture.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. **Claims 16, 17, 19, 39, 40, 42, 62, 63, and 65** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. As per claim 16, 17, 39, 40, 62, and 63, Applicant teaches "the parsed message" but there is not antecedent basis for this limitation in the claims. For the purposes of examination, it is understood that the parsed message is the assessed message as taught and covered in claim 1.

13. As per claims 19, 42, and 65 each contains "and/or" langue in reference to elements of the claim rendering it unclear as to what aspects Applicant is attempting to claim. For the purposes of examination, the Examiner will interpret "and/or" to mean "or".

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by the Internet and Web browsing (i.e., "surfing") as taught by Ivanovich (Ivanovich, Michael G., "How the Web Works – Part 1", Heating, Piping, and Air Conditioning. Cleveland: Feb 1997. Vol. 69 pg. 82).

16. As per claim 1, Ivanovich teaches a method for processing insurance claims between a user system and an insurance claim processing system, comprising:

--receiving a message from the user system (see: Ivanovich, "Web protocols" section, is met by "connection, request");

--assessing the received message using a data structure language (see: Ivanovich, "Web protocols" section, is met by "HTML");

--performing an action using the insurance claim processing system (see: Ivanovich, "Surfing defined" section, is met by "a response is generated"), *wherein the action performed is an action requested in the received message* (see: Ivanovich, "Surfing defined" section, is met by "(the requested Web page)"), *and wherein the action is performed in response to the insurance claim processing system receiving the message* (see: Ivanovich, "Surfing defined" section, is met by "(the requested Web page)", repose was generated due to received request); *and*

--returning a result of the performed action to the user system (see: Ivanovich, "Web protocols" section, is met by "response, and disconnection", and section "Surfing defined", is met by "and sent back to the browser").

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18. **Claims 1, 14, and 15** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2007/0214020 to Srinivasan.

19. As per claim 1, Srinivasan teaches a method for processing insurance claims between a user system and an insurance claim processing system, comprising:

--receiving a message from the user system (Fig. 3)(see: Srinivasan, paragraph 34);

--assessing the received message using a data structure language (Fig. 3)(see: Srinivasan, paragraphs 30 and 35);

--performing an action using the insurance claim processing system (Fig. 3 and Fig. 4)(see: Srinivasan, paragraphs 36 and 39-44, is met by processing), *wherein the action performed is an action requested in the received message* (Fig. 3)(see: Srinivasan, paragraphs 34), *and wherein the action is performed in response to the insurance claim processing system receiving the message* (Fig. 3)(see: Srinivasan paragraphs 34-36); *and*

--returning a result of the performed action to the user system (Fig. 3)(see: Srinivasan, paragraph 37).

20. As per claim 14, Srinivasan teaches the invention as claimed, see discussion of claim 1, and further teaches:

--wherein if the received message is not in a predefined XML format, the received message is ignored.

Examiner considers the situation in which the message is in a predefined XML format. Nothing is performed by the limitation.

21. As per claim 15, Srinivasan teaches the invention as claimed, see discussion of claim 1, and further teaches:

--wherein if the received message is not in a predefined XML format, an error message is returned to the user system.

Examiner considers the situation in which the message is in a predefined XML format. Nothing is performed by the limitation.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23. **Claims 2-5, 7-9, 16, 19, 20, 22, and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2007/0214020 to Srinivasan in view of U.S. Patent Application Publication 2002/0035488 to Aquila.

24. As per claim 2, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically teach:

--wherein the action includes a trauma severity calculation.

However, Aquila teaches a trauma severity calculation (see: Aquila, paragraphs 20, 21, and 173-211). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Aquila. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

25. As per claim 3, Srinivasan teaches the invention as claimed, see discussion of claim 2, and further teaches:

--wherein the result includes a trauma severity points value (see: Aquila, paragraphs 19-21, 74, 131, 173-211, 282, 294, 295, 355, and 356).

26. As per claim 4, Srinivasan teaches the invention as claimed, see discussion of claim 2, and further teaches:

--wherein the result includes a recommended settlement amount (see: Aquila, paragraphs 114-118, is met by estimate).

27. As per claim 5, Srinivasan teaches the invention as claimed, see discussion of claim 1, and further teaches:

--wherein the action is performed on a database coupled to the processing system (see: Srinivasan, paragraphs 27-29 and 33, is met by server with processing logic and data storage)

As per the system being an *insurance claim* system and the limitation that:

--for at least one insurance claim corresponding with the received message, wherein the corresponding insurance claim is identified in the parsed message.

Aquila teaches performing an action on a database for an insurance claim identified in a message (Fig. 4, and Fig. 5)(see: Aquila, title, abstract, and at least paragraphs 19, 74, 83, 85, 111, 114, 131, 139, 171, 236, 237, 263, 282, 294, 295, 355, and 356). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to combine the teachings of Srinivasan and Aquila. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

28. As per claim 7, Srinivasan teaches the invention as claimed, see discussion of claim 5, and further teaches:

--wherein the action includes sending information in the database to the user system (Fig. 3)(see: Srinivasan, paragraph 37).

Srinivasan fails to specifically teach the limitation that the information is *about the insurance claim*; however, information about an insurance claim is taught by Aquila (see: Aquila, title, abstract, and at least paragraphs 19, 74, 139, 236, 237, 263, 282, 294, 295, 355, and 356).

29. As per claim 8, Srinivasan teaches the invention as claimed, see discussion of claim 5, and further teaches:

--wherein the action includes receiving information to store in the database (Fig. 4)(see: Srinivasan, paragraphs 39-44).

Srinivasan fails to specifically teach the limitation that the information is *about an insurance claim*; however, information about an insurance claim is taught by Aquila (Fig. 4, and Fig. 5)(see: Aquila, title, abstract, and at least paragraphs 19, 74, 83, 85, 111, 114, 131, 139, 171, 236, 237, 263, 282, 294, 295, 355, and 356).

30. As per claim 9, Srinivasan teaches the invention as claimed, see discussion of claim 1, and further teaches:

--wherein performing an action includes storing settlement information for an insurance claim (Fig. 4)(see: Srinivasan, paragraphs 39-44).

Srinivasan fails to specifically teach the limitation that the information is *settlement information for an insurance claim*; however, settlement information for an insurance claim is met by the estimate information as taught by Aquila (see: Aquila, paragraphs 114-118). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Aquila. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

31. As per claim 16, Srinivasan teaches the invention as claimed, see discussion of claim 1, but fails to specifically teach:

--wherein the parsed message includes an insurance claim identifier and an insurance claimant identifier.

However, a claim identifier is taught by Aquila (Fig. 25, is met by claim number and claimant name)(see: Aquila, paragraph 145, is met by claim number; paragraph 252, is met by claim number and claimant information; and paragraph 295, is met by claim number and claimant name). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and

Aquila. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

32. As per claim 19, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically teach:

--wherein the action includes updating settlement information for an insurance claim in the database and wherein the data in the received message includes a settlement date and/or settlement amount.

However, Aquila teaches a claims processing system that creates a new estimate for an insurance claim based on an audit decision which meets the limitation of updating settlement information for an insurance claim (see: Aquila, paragraphs 114-116); and a payment execution date which meets the settlement data (see: Aquila, paragraph 320). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Aquila. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

33. As per claim 20, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically teach:

--wherein the data in the received message includes at least one of insurance claimant information, insured information, adjustments, and settlement information.

However, Aquila teaches *claimant information* (Fig. 25, is met by claimant name)(see: Aquila, paragraph 252, is met by claimant information; and paragraph 295, is met by claimant name). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Aquila. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

34. As per claim 22, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, and further teaches:

--wherein the action includes storing information (Fig. 4)(see: Srinivasan, paragraphs 39-44, is met by processing) *and wherein the information to be stored is reviewed prior to being stored in a database to determine if a demonstrable injury exists.*

Srinivasan fails to specifically teach the limitation that the information is *about an insurance claim*; however, information about an insurance claim is taught by Aquila (see: Aquila, title, abstract, and at least paragraphs 19, 74, 139, 236, 237, 263, 282, 294, 295, 355, and 356). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Aquila. The well known elements described are merely a combination of old elements, and in

the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Aquila also teaches reviewing the claim to determine if a demonstrable injury exists (see: Aquila, paragraphs 173-210), though, this does not positively recited in the claim and does not alter or change the action of storing information about an insurance claim and is, therefore, nonfunctional descriptive material. Though the nonfunctional descriptive material is not given weight for the purposes of examination, the Examiner has cited portions of the prior art that read on the nonfunctional descriptive material in the claims. See: Ex parte Herman Mathias, Appeal No. 2005-1851, Application No. 09/612788; and Ex parte James Prescott Curry, Appeal No. 2005-0509, Application No. 09/449237.

35. As per claim 23, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, and further teaches:

--*wherein the action includes retrieving information* (see: Srinivasan, paragraphs 34-44), *and*

Srinivasan fails to specifically teach the limitation that the information is *about an insurance claim*; however, information about an insurance claim is taught by Aquila (see: Aquila, title, abstract, and at least paragraphs 19, 74, 139, 236, 237, 263, 282, 294, 295, 355, and 356). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Aquila. The well known elements described are merely a combination of old elements, and in

the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

A per the limitation:

--wherein if no XML tag name is specified in the received message, substantially all of the data for the insurance claim is sent to the user system.

Examiner considers the situation in which there is an XML tag name specified. Nothing is performed by this limitation.

36. **Claims 6, 17, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2007/0214020 to Srinivasan in view of U.S. Patent Application Publication 2002/0035488 to Aquila further in view of Official Notice.

37. As per claim 6, Srinivasan teaches the invention as claimed, see discussion of claim 5, and further teaches:

--wherein the action includes deleting an insurance claim from the database

The Examiner takes Official Notice that deleting an item in a database was old and well known in the art at the time the invention was made. For example, Schuler teaches deleting an entry in an insurance database (see: Schuler, column 4, lines 63-67). It is noted that even archiving insurance files would meet the limitation of deleting. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan, Aquila, and Official Notice. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did

separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

38. As per claim 17, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, and further teaches:

--wherein the action includes sending information (Fig. 3)(see: Srinivasan, paragraphs 37),

Srinivasan fails to specifically teach the limitation that the information is *about an insurance claim*; however, information about an insurance claim is taught by Aquila (Fig. 4, and Fig. 5)(see: Aquila, title, abstract, and at least paragraphs 19, 74, 83, 85, 111, 114, 131, 139, 171, 236, 237, 263, 282, 294, 295, 355, and 356).

Furthermore, Srinivasan fails to specifically teach:

--and wherein the parsed message includes an XML tag name for a requested piece of data.

Srinivasan teaches the XML message format (see: Srinivasan, paragraphs 30 and 35) but fails to teach XML tag for a requested piece of data. The Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made for an XML message to contain and XML tag name for a requested piece of data that meets this limitation of claim 17. For example, Fry teaches XML tags (see: Fry, paragraph 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan, Aquila, and Official Notice. The well known elements described are merely a combination of old elements, and in

the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

39. As per claim 18, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, and further teaches:

--*wherein the action comprises importing data* (Fig. 4)(see: Srinivasan, paragraphs 39-44, is met by processing) *and*

Srinivasan fails to specifically teach the limitation that the data is *insurance claim* data; however, data about an insurance claim is taught by Aquila (Fig. 4, and Fig. 5)(see: Aquila, title, abstract, and at least paragraphs 19, 74, 83, 85, 111, 114, 131, 139, 171, 236, 237, 263, 282, 294, 295, 355, and 356).

Furthermore, Srinivasan fails to specifically teach:

--*wherein the received message includes an XML tag name for data to be imported.*

Srinivasan teaches the XML message format (see: Srinivasan, paragraphs 30 and 35) but fails to teach XML tag for the data to be imported. The Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made for an XML message to contain and XML tag name for the data to be imported that meets this limitation of claim 18. For example, Fry teaches XML tags (see: Fry, paragraph 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan, Aquila, and Official Notice.

The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

40. **Claims 10-13, and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2007/0214020 to Srinivasan in view of Official Notice.

41. As per claim 10, Srinivasan teaches the invention as claimed, see discussion of claim 1, and further teaches:

--wherein an XML document accessible by the insurance claim processing system defines at least one of available actions, protocol to invoke an action, and an expected structure for data received in the message (see: Aquila, paragraphs 74-76, 83-87, and 93).

Srinivasan teaches the XML message format (see: Srinivasan, paragraphs 30 and 35) but fails to teach at least one of available actions, protocol to invoke an action, and an expected structure for data received in the message. The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made for an XML message to include a protocol or expected structure for a received message that meets the limitations of claim 10. For example, Fry teaches an XML message with protocol to invoke an action and expected structure (see: Fry, paragraphs 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and

Official Notice. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

42. As per claim 11, Srinivasan teaches the invention substantially as claimed, see discussion of claim 10, but fails to specifically teach:

--wherein a binding for the XML document includes at least one of the protocol and expected structure for a received message.

Srinivasan teaches the XML message format (see: Srinivasan, paragraphs 30 and 35) but fails to teach a binding that includes a protocol or expected structure for a received message. The Examiner takes Official Notice that it would have been obvious to one of ordinary skill in the art at the time the invention was made for an XML document binding to include a protocol or expected structure for a received message that meets the limitations of claim 11. For example, Fry teaches XML data binding with protocol and expected structure (see: Fry, paragraphs 12-14). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Official Notice. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

43. As per claim 12, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically teach:

--wherein the received message is in a predefined XML format.

Srinivasan teaches the XML message format (see: Srinivasan, paragraphs 30 and 35) but fails to teach the predefined limitation of the XML format. The Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made for a message to be in a predefined XML format that meets the limitations of claim 12. For example, Sharma teaches document type definition that establishes a set of constraints for an XML document and defines the manner in which it is constructed, such as a DOM (see: Sharma, paragraph 41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Official Notice. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

44. As per claim 13, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically teach:

--further comprising sending a confirmation message that the requested action was successfully performed from the insurance claim processing system to the user system.

The Examiner takes Official Notice that it was old and well known in the art at the time the invention was made to send messages confirming successfully performed actions that meets the limitations of claim 13. For example, Kail, IV, teaches sending a confirmation message that the requested action was successfully performed (see: Kail,

IV, last half of paragraph 35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Official Notice. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

45. As per claim 21, Srinivasan teaches the invention substantially as claimed, see discussion of claim 1, but fails to specifically teach:

--wherein data in the received message includes a diagnostic code.

Srinivasan teaches the XML message format (see: Srinivasan, paragraphs 30 and 35) but fails to teach that the message includes a diagnostic code. The Examiner takes Official Notice that it was well known to one of ordinary skill in the art at the time the invention was made for a message, even an XML message, to contain a diagnostic code that meets this limitation of claim 21. For example, Ghaffar teaches a diagnostic code (see: Ghaffar, paragraph 21). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Srinivasan and Official Notice. The well known elements described are merely a combination of old elements, and in the combination, each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

46. **Claims 24-46** representing the system embodiment of method claims 1-23 are rejected respectively in a like manner.

47. **Claims 47-69** representing the carrier medium embodiment of method claims 1-23 are rejected respectively in a like manner.

Conclusion

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT SOREY whose telephone number is (571)270-3606. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM (EST).

49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Gilligan can be reached on (571)272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

50. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. S./

Examiner, Art Unit 3626
16 January 2009

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626